APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,306	07/13/2001	Cassio Brun Goldschmidt	50325-0552	6357

29989 7590 02/06/2004	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP	GOOD JOHNSON, MOTILEWA	
1600 WILLOW STREET		
SAN JOSE, CA 95125	ART UNIT	PAPER NUMBER
	2672	7

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 November 2003</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   This office action is responsive to the following communications: Application,

filed 07/13/2001; IDS, paper #4, filed 07/13/2001; Amendment A, filed 11/20/2003.

This action is made final.

2.   Claims 1-30 are pending in this application. Claims 1, 9, 20, 22 and 24-26 are

independent claims.

3.   The present title of this application is "Incremental Plotting of Network Topologies

and other Graphs through use of Markup Language".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-8, 20, 21, 24 and 26 are rejected under 35 U.S.C. 102(b) as being

anticipated by Hu et al., U.S. Patent Number 5,748,188, "Hypertext Markup Language

(HTML) Extensions for Graphical Reporting over an Internet", class 345/326,

05/05/1998.

As per independent claim 1, a method for plotting a graph using a markup

language, comprising the steps of: receiving first graph information as a markup

language document in response to a request for a first graphic display . . . the markup

language document is associated with a document type definition; (Hu discloses the

client defines a type of info to request from the server, and the server generates the

HTML with graph elements representative of the graph to be displayed including

extended graph tags, including the graph type and other attributes, col. 20) plotting a

graph that can be displayed as the first graphic display according to the markup

language document and associated document type definition; (Hu discloses a parser

which parses the infoframe and extracts the information which is then written in HTML,

col. 10, lines 48-55 and includes tag extensions indicating the beginning and close of a

graph section, col. 20, lines 20-28, therefore creating a first graphic display according to

the markup language document) and causing display of the graph as the first graphic

display on a display device. (Hu discloses executing a viewer which calls the graph

server to display the object representative of the graph to display, col. 23, lines 46-60)

With respect to dependent claim 2, receiving first graph information is performed

such that a request for a second graphic display initiated through interaction with the

first graphic display does not require retrieving again corresponding information from the

data source. (Hu discloses metadata of the end user's particular business and a finite

domain having natural partitions, col. 4, lines 43-67)

With respect to dependent claim 3, the second graphic display is an incremental

elaboration of the first graphic display; wherein the step of plotting a graph that can be

displayed as the first graphic display is such that subsequently plotting the second

graphic display does not require plotting again the first graphic display. (Hu discloses

defining a partition of the metadata as a division of the dimension by the restriction of a single attribute, col. 5, lines 11-19)

With respect to dependent claim 4, the markup language document includes image information for specifying a graphical image representing a focus entity for plotting in the graph, label information for specifying a label associated with the graphical image . . . , connection information for specifying one or more connections . . . and . . . plotting the graph is performed based on the image information, the label information, and the connection information. (Hu discloses the graph information includes label information, graph style, and graph type, col. 20, lines 15-65)

With respect to dependent claim 5, plotting the graph is performed according to a display arrangement in which the graphical image is substantially centered on the display device . . . (Hu discloses user defined segments within a business concept and the segment is a part of a partition and a set of segments forming a hierarchy of a subset relation, col. 5, lines 32-48, therefore if the segment is user defined the user can define the hierarchy centered)

With respect to dependent claim 6, the first graph information . . . further includes one or more of: tool tip information . . . , click action information for specifying an action to perform upon a second interaction with the graphical image, menu information for specifying a menu to display on the display device upon a third interaction with the graphical image; and wherein the step of receiving the first graph information is according to the markup language document. (Hu discloses using HTML extension tags, tool tips are known HTML extensions, and a menu item view, col. 10, lines 40-47)

With respect to dependent claim 7, menu information for specifying a menu to display on the display device upon a first interaction with the one or more connections; and wherein the step of receiving the first graph information is according to the markup language document. (Hu discloses the subsystem includes menu item view, col. 10, lines 40-47)

With respect to dependent claim 8, the step of plotting the graph is performed according to one specified display arrangement from a plurality of available display arrangements. (Hu discloses the client system includes a GUI which allow a user to specify view infoframes, col. 6, lines 9-15)

As per independent claim 20 and dependent claim 21, they are rejected based upon similar rational as above independent claim 1 and dependent claim 4 respectively. (Hu discloses storage medium that allows a user to store an infoframe, col. 6, lines 56-57, and further discloses an infoframe as compound documents that display data form a database in text and graphs, such as graphs, col. 5, lines 24-28)

As per independent claim 24, it is rejected based upon similar rational as above independent claim 1. (Hu further discloses a network interface, a memory and processor, figure 1, col. 5, lines 45-65)

As per independent claim 26 and dependent claims 27-30, they are rejected based upon similar rational as above dependent claims 2, 4 and 6-7 respectively.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 9-19, 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hu et al., in view of Besaw.

As per independent claim 9, a method for displaying a network topology,

comprising the steps of: receiving a markup language document associated with a

document type definition, that defines how to process the corresponding information in

the markup language document to plot a graph (Hu discloses the client defines a type of

info to request from the server, and the server generates the HTML with graph elements

representative of the graph to be displayed including extended graph tags, including the

graph type and other attributes, col. 20; HTML tag extensions including indicating the

beginning and close of a graph section, col. 20, lines 20-28, therefore creating a first

graphic display according to the markup language document; and graph information

including label information, graph style, and graph type, col. 20, lines 15-65)

However, it is noted that Hu fails to disclose the document including graph

information for plotting the network topology, network node information, network node

connection information, plotting the network topology, and displaying the graphical

image, node label information, graph information and connection information.

Besaw discloses providing the capability for a customer to view relevant

information of the customer to view information of a network in a topological map on a

markup language document, paragraph 0020, and the map view module configured to

include icon symbols representing nodes and connection lines between the icon

symbols, paragraph 0027. Besaw further discloses generating the topology map with

the gathered information and transmitting the topology map to the node using the

network protocol, paragraph 0010, and further discloses the customer may view the

information of the network in a topological map on a hypertext markup language

document, XML or the like, paragraph 0021.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include network topology as graphical information in the invention of Hu,

because a network topology is known representation of graphical data.

With respect to dependent claim 10, tool tip information . . . , click action

information for specifying an action to perform upon a second interaction with the

graphical image, menu information for specifying a menu to display on the display

device upon a third interaction with the graphical image; and . . . enabling functions

initiated by each of the first interaction, the second interaction, and the third interaction.

(Hu discloses the subsystem includes menu item view, col. 10, lines 40-47, and further

discloses the subsystem includes a graphical user interface which allows a user to

select and specify parameters for infoframes, thus performing a menu operation, col. 5,

lines 9-15)

With respect to dependent claim 11, third interaction includes retrieving a file for

displaying information about one or more network links between the first node and one

or more nodes connected to the first node. (Besaw discloses the mapview module may

be configured to associate file streams, paragraph 0017)

With respect to dependent claim 12, includes retrieving a file for displaying

information about one or more routers associated with the first node. (Besaw discloses

member functions including associating a file stream, connections, graphics, and a

topology map, paragraph 0030)

With respect to dependent claim 13, the function initiated by the third interaction

includes retrieving a file for displaying information about one or more sub networks

associated with the first node. (Hu discloses the client system includes a GUI which

allow a user to specify view infoframes, col. 6, lines 9-15)

With respect to dependent claim 14, graphical image and the node label and

displaying the connection are performed according to one specified display

arrangement from a plurality of available display arrangements. (Hu discloses the client

system includes a GUI which allow a user to specify view infoframes, col. 6, lines 9-15)

With respect to dependent claim 15, graphical image and the node label and

displaying the connection are performed such that the graphical image is substantially

centered on the display element of the display device. (Besaw discloses the customer is

given access to portal information configured by referencing a customer views module, paragraph 0023)

With respect to dependent claim 16, displaying the graphical image and the node label is performed such that graphical image size is related to the number of connections to graphical image. (Besaw discloses the customer may selected the graphics format for displaying the requested topology map, paragraph 0035)

With respect to dependent claim 17, network node connection information includes connection label information for specifying a label associated with the connection and wherein the step of displaying the connection includes displaying the connection label. (Besaw discloses the mapview module configured to include icon symbols representing nodes and connection lines between the icon symbols, paragraph 0027)

With respect to dependent claim 18, the connection label information includes a cost parameter label that reflects the bandwidth capacity of the network represented by the connection. (Hu discloses generating HTML with graph elements representative of a graph to be display, col. 20, lines 10-15, thus making it obvious to include the bandwidth capacity for a graph of a network because the bandwidth capacity is a graphical element representative of a network)

With respect to dependent claim 19, menu information for specifying a menu to display on the display device upon an interaction with the connection; and the method further comprises the step of: enabling a function initiated by the interaction. (Besaw discloses the topology map module may be configured to provide a customer a display

of possible topology maps that may be generated and a display list of filters or filtering

functions that may be applied, paragraphs 0030-0032)

As per independent claim 22 and dependent claim 23, they are rejected based

upon independent claim 9 and dependent claim 18 respectively. (Besaw further

discloses the invention may be performed in a computer readable medium, paragraph

0039)

As per independent claim 25, it is rejected based upon similar rational as above

independent claim 9. (Besaw further discloses a computer system display, i.e. an

apparatus, for displaying the network topology, paragraph 0028)

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

mgj

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600